

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1146 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 27-1-29-14 IS AMENDED TO READ AS  
4       FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 14. (a) In order to  
5       be eligible for payment under this chapter, a liability of a political  
6       subdivision must arise out of a claim based upon an act or omission  
7       that takes place while the political subdivision is a member of the fund.  
8       (b) The maximum amount payable from the fund for any liability,  
9       whether or not it is covered under IC 34-13-3 (or IC 34-4-16.5 before  
10      its repeal), is:  
11       (1) ~~three five~~ hundred thousand dollars (~~\$300,000~~) (**\$500,000**) for  
12       injury, death, or damage suffered by any one (1) person as a result  
13       of the act or omission from which the liability arises; and  
14       (2) one million dollars (\$1,000,000) for all injury, death, or  
15       damage suffered by all persons as a result of the act or omission  
16       from which the liability arises.  
17       (c) No amount may be paid from the fund in respect of punitive  
18       damages paid by or assessed against a member of the fund.  
19       (d) No amount may be paid from the fund in the case of a liability  
20       based upon bodily injury or property damage arising out of the  
21       discharge, dispersal, release, or escape of smoke, vapors, soot, fumes,  
22       acids, alkalis, toxic chemicals, liquids, gases, waste materials, or other  
23       irritants, contaminants, or pollutants into or upon land, the atmosphere,  
24       or any watercourse or body of water unless the discharge, dispersal,

- 1 release, or escape:
- 2 (1) is caused by an act or omission of a political subdivision that
- 3 is a member of the fund; and
- 4 (2) occurs as a result of:
- 5 (A) a household hazardous waste; or
- 6 (B) a conditionally exempt small quantity generator (as
- 7 described in 40 CFR 261.5(a);
- 8 collection, disposal, or recycling project conducted by or
- 9 controlled by the political subdivision.
- 10 (e) The commissioner may pay a liability of a member of the fund
- 11 in a series of annual payments. The amount of any annual payment
- 12 under this subsection must be one hundred thousand dollars (\$100,000)
- 13 or more, except for the final payment in a series of payments.
- 14 (f) The commission may negotiate a structured settlement of any
- 15 claim.
- 16 (g) As used in this section, "household hazardous waste" means
- 17 solid waste generated by households that consists of or contains a
- 18 material that is:
- 19 (1) ignitable, as described in 40 CFR 261.21;
- 20 (2) corrosive, as described in 40 CFR 261.22;
- 21 (3) reactive, as described in 40 CFR 261.23; or
- 22 (4) toxic, as described in 40 CFR 261.24.
- 23 SECTION 2. IC 27-1-29.1-13 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 13. The amount
- 25 that is to be paid by the commission toward the satisfaction of a
- 26 liability qualifying for partial payment under this chapter is determined
- 27 in STEP FOUR of the following formula:
- 28 STEP ONE: If the total amount of the liability exceeds ~~five~~ **eight**
- 29 million dollars ~~(\$5,000,000)~~ **(\$8,000,000)**, subtract ~~five~~ **eight**
- 30 million dollars ~~(\$5,000,000)~~ **(\$8,000,000)** from the total amount
- 31 of the liability.
- 32 STEP TWO: Add the remainder under STEP ONE to the
- 33 minimum total amount figure that applies to the liability under
- 34 section 12 of this chapter.
- 35 STEP THREE: Add to the sum determined under STEP TWO the
- 36 total amount expended by the commission under section 16 of this
- 37 chapter in defending the member of the fund against claims
- 38 giving rise to the liability.
- 39 STEP FOUR: Subtract the sum determined under STEP THREE

- 1 from the total amount of the liability.".
- 2 Renumber all SECTIONS consecutively.  
(Reference is to HB 1146 as printed January 28, 2000.)

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Representative Dvorak